



**REFERENCE NUMBER:** 16/3/3/1/A4/5/3061/17  
**ENQUIRIES:** MS. K. ADRIAANSE  
**DATE OF ISSUE:** 2018 -03- 19

The Head of Department  
Western Cape Government  
Department of Human Settlements  
Private Bag X9043  
**CAPE TOWN**  
8000

**For Attention: Ms. J. Samson**

Tel: (021) 483 4197  
Fax: (021) 483 5433

Dear Madam

**ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL BASIC ASSESSMENT REPORT FOR THE PROPOSED INFILLING OF A WETLAND ON THE REMAINDER OF FARM EERSRIV NO. 981 FOR THE UPGRADING OF EERSRIV WAY AND ASSOCIATED INFRASTRUCTURE, BLUE DOWNS.**

The application form dated 14 November 2017 and received by this Department on 17 November 2017, this Directorate's acknowledgement thereof dated 24 November 2017, the draft Basic Assessment Report ("BAR") dated 16 November 2017 and received by this Department on 17 November 2017, this Directorate's electronic mail dated 23 November 2017, this Directorate's acknowledgement of the draft BAR dated 24 November 2017, the originally signed declaration by the Environmental Assessment Practitioner dated 24 November 2017 and received by this Department on 27 November 2017, this Directorate's correspondence dated 15 December 2017, the final BAR dated March 2018 and received by this Department on 09 March 2018 and the Environmental Management Programme ("EMPr") dated March 2018 and received by this Department on 13 March 2018, refer.

1. This letter serves as an acknowledgement of receipt of the final BAR and EMPr by this Directorate.
2. This Directorate will now review the final BAR and EMPr and notify you of the outcome within the legislated timeframe.

This Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully

**HEAD OF DEPARTMENT**

Copies to: (1) Ms. N. Ritsch (Lukhozi Consulting Engineers (Pty) Ltd.)  
(2) Mr. A. Forbes (City of Cape Town: Environmental Resource Management)  
(3) Mr. W. Dreyer (Department of Water and Sanitation: Berg Water Management Area)  
(4) Mr. A. Oosthuizen (DEA&DP – Directorate: Development Facilitation)

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**REFERENCE NUMBER:** 16/3/3/1/A4/5/3061/17  
**ENQUIRIES:** MS. K. ADRIAANSE  
**DATE OF ISSUE:** 2018 -06- 14

The Head of Department  
Western Cape Government  
Department of Human Settlements  
Private Bag X9043  
**CAPE TOWN**  
8000

**For Attention: Ms. J. Samson**

Tel: (021) 483 4197  
Fax: (021) 483 5433

Dear Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED INFILLING OF A PORTION OF A WETLAND ON THE REMAINDER OF FARM EERSRIV NO. 981 FOR THE UPGRADING OF EERSRIV WAY AND ASSOCIATED INFRASTRUCTURE, BLUE DOWNS.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copies to: (1) Ms. N. Ritsch (Lukhozi Consulting Engineers (Pty) Ltd.)  
(2) Mr. A. Forbes (City of Cape Town: Environmental Resource Management)  
(3) Mr. W. Dreyer (Department of Water and Sanitation: Berg Water Management Area)  
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**REFERENCE:** 16/3/3/1/A4/5/3061/17  
**NEAS REFERENCE:** WCP/EIA/0000335/2017  
**ENQUIRIES:** MS. K. ADRIAANSE  
**DATE OF ISSUE:** 2018 -06- 14

### ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED INFILLING OF A PORTION OF A WETLAND ON THE REMAINDER OF FARM EERSRIV NO. 981 FOR THE UPGRADING OF EERSRIV WAY AND ASSOCIATED INFRASTRUCTURE, BLUE DOWNS.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Alternative 2, described in the BAR, dated March 2018.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Head of Department  
Western Cape Government  
Department of Human Settlements  
Private Bag X9043  
**CAPE TOWN**  
8000

Tel: (021) 483 4197  
Fax: (021) 483 5433

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 19 Activity Description:</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>The proposed development will result in the infilling or depositing of more than 10m<sup>3</sup> of material into a portion of a wetland located on the Remainder of Farm Eersriv No. 981, Blue Downs. As part of the proposed upgrading of Eersriv Way, a grass-block channel will be developed along Spine Road to formalise stormwater management in the area. The proposed channel will traverse an existing wetland.</p>

The abovementioned list is hereinafter referred to as "**the listed activity**".

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the proposed development:

The proposed development entails the upgrading of Eersriv Way (from Old Faure Road to Washington Street, Blue Downs) as well as the intersections associated with these roads. Existing stormwater, potable water and waste water infrastructure will need to be relocated as a result of the road upgrade.

The proposed road upgrading will result in the infilling or depositing of more than 10m<sup>3</sup> of material into a portion of a wetland located on the Remainder of Farm Eersriv No. 981, Blue Downs. As part of the proposed road upgrading, a grass-block channel will be developed along Spine Road to formalise stormwater management in the area. The proposed channel will traverse the wetland. The channel will be approximately 280m long and approximately 4.5m wide and will incorporate a low flow channel, which will be utilised for low volume runoff. Runoff from the low flow channel would be diverted into the existing wetland area. Approximately 2.5ha of the wetland will be infilled for the proposed road upgrading and associated infrastructure.

## C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on the Remainder of Farm Eersriv No. 981, Blue Downs (for the infilling of a portion of the wetland) located in Eersriv Way and Spine Road, Blue Downs and has the following co-ordinates:

Infilling of a portion of the wetland:

Point	Latitude (S)	Longitude (E)
Start	34°01'05.93" South	18°41'35.43" East
Middle	34°01'02.62" South	18°41'33.35" East
End	34°00'57.54" South	18°41'33.76" East

The SG digit code is:

Remainder of Farm Eersriv No. 981	C06700000000098100000
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The co-ordinates for the route of the proposed development along Eersriv Way:

Point	Latitude (S)	Longitude (E)
Start	34°01'05.93" South	18°41'35.43" East
Middle	34°00'22.07" South	18°41'34.43" East
End	33°59'45.52" South	18°41'19.92" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

The above is hereinafter referred to as "**the route**".

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

Lukhozi Consulting Engineers (Pty) Ltd.  
 c/o Ms. N. Ritsch  
 P.O. Box 23725  
**CLAREMONT**  
 7735

Tel: (021) 686 2550  
 Fax: (021) 686 3519

#### E. CONDITIONS OF AUTHORISATION

##### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated March 2018 on the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within 5 (five) years from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### **Written notice to the Competent Authority**

6. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
  - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 6.2. The notice must also include proof of compliance with the following conditions described herein:  
  
Conditions: 7, 8, 9.1 and 11.

### **Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
  - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1. the outcome of the application;
    - 7.1.2. the reasons for the decision as included in Annexure 3;
    - 7.1.3. the date of the decision; and
    - 7.1.4. the date when the decision was issued.
  - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
  - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 7.4. Provide the registered I&APs with:
    - 7.4.1. the name of the holder (entity) of this Environmental Authorisation,
    - 7.4.2. name of the responsible person for this Environmental Authorisation,
    - 7.4.3. postal address of the holder,
    - 7.4.4. telephonic and fax details of the holder,
    - 7.4.5. e-mail address, if any, of the holder,
    - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

### **Management of activity**

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved, on condition that the following amendments to the EMPr are made and must be implemented:
  - 9.1. A stormwater management plan must be compiled prior to the commencement of the infilling activities and must be implemented. A copy of the stormwater management plan must be submitted to the Competent Authority prior to the commencement of the infilling activities for record and information purposes.

10. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities whereafter it must be kept at the office of the applicant, and must be made available to anyone on request.
13. Access to the route referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
  - 14.1. The holder must undertake an environmental audit within 6 (six) months of the commencement of the listed activity and submit Environmental Audit Reports to the Competent Authority 1 (one) month after the completion of the listed activity. The final Environmental Audit Report must be submitted to the Competent Authority within 1 (one) year after the infilling of the wetland has been completed.
  - 14.2. The holder must, within 7 (seven) days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

### **Specific Conditions**

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.
  - 15.1. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. The recommendations of the Freshwater Assessment (compiled by EnviroSwift and dated October 2017) as included in the EMPr must be implemented.



17. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

## **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, other than those required by this Environmental Authorisation, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## **G. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any,

to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### H. DISCLAIMER

The Western Cape Government, the holder, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

  
**MR. ZAHR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 14/06/2018

Copies to: (1) Ms. N. Ritsch (Lukhozi Consulting Engineers (Pty) Ltd.)  
(2) Mr. A. Forbes (City of Cape Town: Environmental Resource Management)  
(3) Mr. W. Dreyer (Department of Water and Sanitation: Berg Water Management Area)  
(4) Mr. A. Oosthuizen (DEA&DP – Directorate: Development Facilitation)

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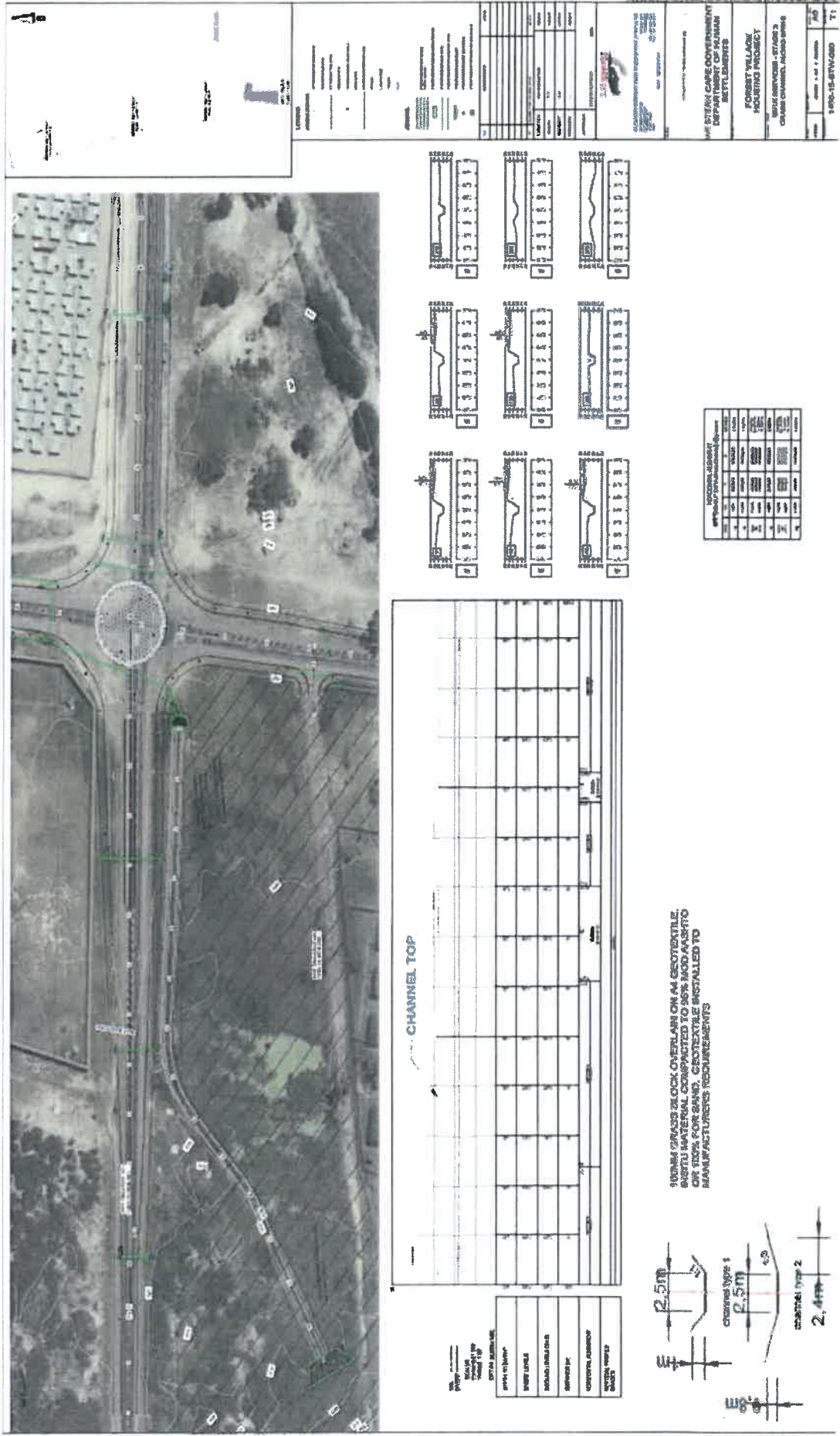
# ANNEXURE 1: LOCALITY MAP

Locality map of the proposed route.



# ANNEXURE 2: SITE PLAN

Site plan of the proposed infilling activities.



## **ANNEXURE 3: REASONS FOR THE DECISION**

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated 14 November 2017, the BAR received by the Competent Authority on 09 March 2018, the EMPr received by the Competent Authority on 13 March 2018 and the additional information received by the Competent Authority on 08 May 2018, 29 May 2018 and 05 June 2018;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives and Need and Desirability (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated March 2018;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

### **1. Public Participation**

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board along the route where the listed activity is to be undertaken on 24 July 2017;
- giving written notice to the owners and occupiers of land adjacent to the route where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 21 July 2017;
- the placing of a newspaper advertisement in the 'Tygerburger' on 19 July 2017; and
- making the BAR available to I&APs for public review from 16 November 2017 to 08 January 2018.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

### **2. Alternatives**

Two design alternatives and the "No-Go" alternative were assessed.

#### Alternative 1

Alternative 1 entailed the upgrade of Eersriv Way between Old Faure Road and Washington Street, Blue Downs. The proposed road widening would result in the infilling or depositing of more than 10m<sup>3</sup>

of material into a portion of a wetland located on the Remainder of Farm Eersriv No. 981, Blue Downs.

Additional stormwater infrastructure was proposed to be installed at the Old Faure/Spine Road intersection within the existing wetland. This included the development of a stormwater pond with grass-block paving. The proposed stormwater pond would be approximately 50 long, approximately 30m wide and approximately 2m deep. The stormwater infrastructure included a 450mm concrete pipeline and a lined grass-block channel of approximately 3m wide.

Alternative 1 was not deemed preferred due to the large development footprint that is required and Alternative 1 was not supported by the relevant authorities based on various issues.

#### Alternative 2 (the preferred alternative – herewith authorised)

The proposed development entails the upgrading of Eersriv Way (from Old Faure Road to Washington Street, Blue Downs) as well as the intersections associated with these roads. Existing stormwater, potable water and waste water infrastructure will need to be relocated as a result of the road upgrade. The proposed road upgrading will result in the infilling or depositing of more than 10m<sup>3</sup> of material into a portion of a wetland located on the Remainder of Farm Eersriv No. 981, Blue Downs. As part of the proposed road upgrading, a grass-block channel will be developed along Spine Road to formalise stormwater management in the area. The proposed channel will traverse the wetland. The channel will be approximately 280m long and approximately 4.5m wide and will incorporate a low flow channel, which will be utilised for low volume runoff. Runoff from the low flow channel would be diverted into the existing wetland area. Approximately 2.5ha of the wetland will be infilled for the proposed road upgrading and associated infrastructure.

Alternative 2 is deemed the preferred alternative since the proposed development will address flooding in the area, will allow for rehabilitation after the development activities have been completed, will allow for a formalised stormwater channel and will allow for improved stormwater management in the area.

#### "No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo". However, since the proposed development will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

### **3. Impact Assessment and Mitigation measures**

#### **3.1. Activity Need and Desirability**

The proposed road upgrade is aligned with the forward planning policies of the City of Cape Town (i.e. the City of Cape Town's Spatial Development Framework (2012) and the Integrated Development Plan (2012-2017)). The majority of the road upgrading will occur within the existing road reserve of Eersriv Way. The road upgrading will include public transport infrastructure, which will improve the existing public transport infrastructure along this route. The additional stormwater infrastructure will improve the existing stormwater management in the area.

#### **3.2. Freshwater Impacts**

A Freshwater Assessment (compiled by EnviroSwift and dated October 2017) was undertaken to assess the freshwater ecosystems along the proposed route.

According to the City of Cape Town's Wetland Mapping layer, two wetlands are mapped along Spine Road and Eersriv Way. One wetland is located south of Old Faure Road and east of Spine Road and another is located west of Spine Road.

The wetland located west of Spine Road was identified as a terrestrial and freshwater Critical Biodiversity Area. This wetland will not be affected by the proposed development.

The wetland located south of Old Faure Road and east of Spine Road was identified as a Critical Ecological Support Area ("CESA") and contains natural to semi-natural wetland habitat. The proposed road upgrading (where additional lanes are proposed) will result in the permanent loss of a portion of the CESA wetland. Further, the proposed channel will result in the transformation of the CESA wetland habit. However, the habitat associated with the wetland is significantly degraded and the Present Ecological Status of this wetland is Category E. The significance of the loss of a portion of the wetland is considered to be of medium negative significance with and without the implementation of mitigation measures. The recommendations of the specialist have been included in the EMPr and the conditions of this Environmental Authorisation.

### 3.3. Botanical Impacts

A Botanical Assessment (compiled by Nick Helme Botanical Surveys and dated 07 February 2017 and 23 March 2017) was undertaken to determine the potential botanical impacts associated with the proposed development. Most of the study area has been heavily disturbed and very little natural vegetation occurs along the proposed route. The route is considered of low botanical sensitivity and no plant species of conservation concern is expected to occur. The botanical impacts associated with the proposed development are considered to be of low negative significance with and without the implementation of mitigation measures. The recommendations of the specialist have been included in the EMPr.

CapeNature has indicated (in their comment dated 19 December 2017) that they do not object to the proposed development.

### 3.4. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC indicated (in their comment dated 23 March 2017) that since there is no reason to believe that the proposed road upgrading will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. The potential heritage impacts associated with the proposed development are considered to be of low negative significance.

### 3.5. Socio-Economic Impacts

Temporary employment opportunities will be afforded to the local community (as far as possible) during all phases of the proposed development.

### 3.6. Traffic, Dust and Noise Impacts

Potential traffic, dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- The loss of a portion of a wetland; and
- Potential traffic, dust and noise impacts associated with the infilling activities.

Positive impacts:

- Improved road infrastructure;
- Improved storm water management in the area; and
- Some employment opportunities.

#### 4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

#### 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"

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